



NUCLEAR AND CHEMICAL
AND BIOLOGICAL DEFENSE
PROGRAMS

ASSISTANT TO THE SECRETARY OF DEFENSE

3050 DEFENSE PENTAGON
WASHINGTON, DC 20301-3050

ACTION MEMO

September 16, 2010, 11:00 AM.

FOR: UNDER SECRETARY OF DEFENSE (AT&L)

FROM: Assistant to the Secretary of Defense (NCB) *AW*

SUBJECT: Renewal of Veteran's Advisory Board on Dose Reconstruction (VBDR)

- Request your signature on the renewal letter to DA&M (TAB A1) updating the Charter of the VBDR (TAB A). The Board's purpose is to review and provide oversight of the Radiation Dose Reconstruction program and was established by Public Law 108-183.
- While working closely with the Advisory Committee Management office within DA&M, several changes were incorporated during this bi-annual update to the Charter:
 - The total cost of operations for the VBDR was reduced by approx. \$700K, while manpower support requirements remained the same.
 - The format of the Charter and the submittal package was changed to match current requirements.
- I have reviewed and endorse this Charter for renewal.

RECOMMENDATION: Sign memo at **TAB A1**.

COORDINATION: Department of Veterans Affairs, DA&M **AT TAB D**

Attachments:

As stated

Prepared by: Col Craig Campbell, OATSD(NCB), 703-697-1771



ACQUISITION,
TECHNOLOGY
AND LOGISTICS

THE UNDER SECRETARY OF DEFENSE

3010 DEFENSE PENTAGON
WASHINGTON, DC 20301-3010

MEMORANDUM FOR DIRECTOR, ADMINISTRATION AND MANAGEMENT

SUBJECT: Renewal of Veterans Advisory Board on Dose Reconstruction (VBDR)
Charter 2010-2012

Reference: DODI 5105.04, "Department of Defense Federal Advisory Committee
Management program," August 6, 2007

I request renewal of the VBDR Charter (**TAB A**) for a two year period in accordance with above reference. Current Charter is at **TAB B**. Charter renewal justification is provided in **TAB C**. Coordination sheets are in **TAB D**.

The renewal of the VBDR is essential for maintaining independent oversight of the improvement and quality management of the procedures used by the Defense Threat Reduction Agency (DTRA) and the Department of Veterans' Affairs (VA) in responding to claims filed by atomic veterans. The advisory board will continue to provide an avenue for improving communications with veterans and for resolving complex issues related to dose reconstruction and claims adjudication processes. Both DTRA and the VA have reviewed and endorse the VBDR Renewal Charter.

Ashton B. Carter

Attachments:
As stated

CHARTER
VETERANS' ADVISORY BOARD ON DOSE RECONSTRUCTION

1. Committee's Official Designation: The Committee shall be known as the Veterans' Advisory Board on Dose Reconstruction (hereafter referred to as "the Board").
2. Authority: The Secretary of Defense, under the provision of Section 601(c) of Title VI of Public Law 108-183 and the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix) and 41 CFR § 102-3.50(a), established the Board.
3. Objectives and Scope of Activities: The Board shall provide review and oversight of the Radiation Dose Reconstruction program and make such recommendations on modifications in the mission or procedures of the Radiation Dose Reconstruction Program as it considers appropriate as a result of the audits conducted under the authority of Section 601(c)(3)(A) of Title VI of Public Law 108-183, as set out in (4) below.
4. Description of Duties: The Board shall:
 - a. Conduct periodic, random audits of dose reconstructions under the Radiation Dose Reconstruction program and of decisions by the Department of Veterans Affairs on claims for service connection of radiogenic diseases;
 - b. Assist the Department of Veterans Affairs and the Defense Threat Reduction Agency in communicating to veterans information on the mission, procedures, and evidentiary requirements of the Radiation Dose Reconstruction Program;
 - c. Carry out such other activities with respect to the review and oversight of the Radiation Dose Reconstruction Program as the Secretary of Defense and Secretary of Veterans Affairs shall jointly specify; and
 - d. Make recommendations on modifications to the mission and procedures of the Dose Reconstruction Program as the Board considers appropriate as a result of the audits.

The Under Secretary of Defense (Acquisition, Technology and Logistics) or designee, as well, as the Department of Veterans Affairs may act upon the Board's advice and recommendations.

5. Agency or Official to Whom the Committee Reports: The Board shall report to the Secretary of Defense, through the Under Secretary of Defense (Acquisition, Technology and Logistics) and the Director, Defense Threat Reduction Agency.
6. Support: The Department of Defense, through the Under Secretary of Defense (Acquisition, Technology and Logistics) and the Defense Threat Reduction Agency, shall provide support as deemed necessary for the performance of the Board's functions, and shall ensure compliance with the requirement of the Federal Advisory

Committee Act of 1972 and the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b).

7. Estimated Annual Operating Costs and Staff Years: It is estimated that the annual operating costs, to include travel costs, meetings and contract support is \$370,000.00. The estimated annual personnel cost to the Department of Defense is 1.5 full-time equivalents (FTE).
8. Designated Federal Officer: The Designated Federal Officer, pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. In addition, the Designated Federal Officer is required to be in attendance at all Board and subcommittee meetings; however, in the absence of the Designated Federal Officer, the Alternate Designated Federal Officer shall attend the meeting.
9. Estimated Number and Frequency of Meetings: The Board shall meet at the call of the Designated Federal Officer, in consultation with the Board's chairperson. The estimated number of Board meetings is two per year.
10. Duration: The need for this advisory function is on a continuing basis; however this charter is subject to renewal every two years.
11. Termination: The Board shall terminate upon completion of its mission or two years from the date this charter is filed, whichever is sooner, unless the Secretary of Defense extends it.
12. Membership and Designation: The Board, pursuant to Section 601(c)(2) of Title VI of Public Law 108-183, shall be comprised of:
 - a. At least one expert in historical dose reconstruction of the type conducted under the Radiation Dose Reconstruction Program
 - b. At least one expert in radiation health matters;
 - c. At least one expert in risk communications matters;
 - d. A representative of the Defense Threat Reduction Agency and a representative of the Department of Veterans Affairs, and
 - e. At least three veterans, including at least one veteran who is a member of an atomic veterans group.

Board members shall be jointly appointed by the Secretary of Defense and Secretary of Veterans Affairs and their appointments shall be renewed on an annual basis. Board members, who are not full-time or permanent part-time federal officers or employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. § 3109 and serve as special government employees.

With the exception of travel and per diem for official travel, Board members shall serve without compensation.

The Chairperson of the Board shall be selected by the sponsors, the Department of Veterans Affairs and the Defense Threat Reduction Agency.

13. Subcommittees: With DoD approval, the Board is authorized to establish subcommittees, as necessary and consistent with its mission. These subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), and other governing Federal statutes and regulations.

Such subcommittees or workgroups shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Board; nor can they report directly to the Department of Defense or any Federal officers or employees who are not Board members.

Subcommittee members, who are not Board members, shall be appointed in the same manner as the Board members.

14. Recordkeeping: The records of the Board and its subcommittees shall be handled according to section 2, General Record Schedule 26 and governing Department of Defense policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552).

15. Filing Date: November 24, 2010

CHARTER
VETERANS' ADVISORY BOARD ON DOSE RECONSTRUCTION

- A. Official Designation: The Committee shall be known as the Veterans' Advisory Board on Dose Reconstruction (hereafter referred to as the Board).
- B. Objectives and Scope of Activities: The Board, under the provisions of Section 601(c) of Title VI of Public Law 108-183, and the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) shall provide review and oversight of the Radiation Dose Reconstruction Program, and make such recommendations on modifications in the mission or procedures of the Radiation Dose Reconstruction Program as it considers appropriate as a result of the audits conducted under the authority of Section 601(c)(3)(A) of Title VI of Public Law 108-183.

Specifically, the Board shall –

1. Conduct periodic, random audits of dose reconstructions under the Radiation Dose Reconstruction Program and of decisions by the Department of Veterans Affairs on claims for service connection of radiogenic diseases;
2. Assist the Department of Veterans Affairs and the Defense Threat Reduction Agency in communicating to veterans information on the mission, procedures, and evidentiary requirements of the Radiation Dose Reconstruction Program;
3. Carry out such other activities with respect to the review and oversight of the Radiation Dose Reconstruction Program as the Secretary of Defense and Secretary of Veterans Affairs shall jointly specify; and
4. Make recommendations on modifications to the mission and procedures of the Dose Reconstruction Program as the Board considers appropriate as a result of the audits.

The Under Secretary of Defense (Acquisition, Technology & Logistics) or designee, as well as, the Department of Veterans Affairs may act upon the Board's advice and recommendations.

- C. Board Membership: Specifically, the Board Membership shall be composed of –

1. At least one expert in historical dose reconstruction of the type conducted under the Radiation Dose Reconstruction Program;
2. At least one expert in radiation health matters;
3. At least one expert in risk communications matters;
4. A representative of the Defense Threat Reduction Agency and a representative of the Department of Veterans Affairs; and
5. At least three veterans, including at least one veteran who is a member of an atomic veterans group.

Board Members appointed by the Secretary of Defense, who are not full-time federal officers or employees, shall be appointed as experts and consultants under the authority of 5 U.S.C. § 3109. These individuals, serving as Special Government Employees, shall be appointed on an annual basis by the Secretary of Defense, and shall with the exception of travel and per diem for official travel, shall serve without compensation, unless otherwise authorized by the appointing authority.

The Chairperson of the Board shall be selected by the sponsors, the Department of Veterans Affairs and the Defense Threat Reduction Agency.

- D. Board Meetings: The Board shall meet at the call of the Designated Federal Officer, in consultation with the Chairperson, and the estimated number of Board meetings is two per year.

The Designated Federal Officer shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. The Designated Federal Officer and/or Alternate Designated Federal Officer shall attend all Committee and subcommittee meetings.

The Board shall be authorized to establish subcommittees, as necessary, and consistent with its mission. These subcommittees shall operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), and other appropriate federal regulations.

Such subcommittees or working groups shall not work independent of the chartered Board, and shall report their recommendations and advice to the Board for full deliberations and discussion. Subcommittees or working groups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Department of Defense or any federal officers or employees who are not Board members.

- E. Duration of the Committee: The need for this advisory function is on a continuing basis as per statute; however, the charter is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Under Secretary of Defense (Acquisition, Technology & Logistics) and the Defense Threat Reduction Agency, shall provide support as deemed necessary for the performance of the Board's functions, and shall ensure compliance with the requirements of 5 U.S.C., Appendix 2.
- G. Termination Date: The Board shall terminate upon completion of its mission or two years from the date of this Charter is filed, whichever is sooner or unless the Secretary of Defense extends it.
- H. Operating Costs: Total annual operating costs are estimated at \$1,100,000. The estimated personnel costs to the Department of Defense are 1.5 full-time equivalents per year.
- I. Recordkeeping: The records of the Committee and its subcommittees shall be handled according to section 2, General Records Schedule 26 and appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C § 552, as amended).
- J. Charter Filed: November 24, 2008

Justification to Renew the Veterans Advisory Board on Dose Reconstruction (VBDR) Charter

1. Rationale for the Committee's continued operation and the Committee's accomplishments with regards to the Department of Defense.

Congress directed the Secretaries of the Department of Defense (DoD) and the Department of Veterans Affairs (VA) under Public Law 108-183 to appoint an advisory board to provide on-going independent review and oversight of the dose reconstruction and claims compensation programs for veterans. The Veterans Advisory Board on Dose Reconstruction continues to meet its mission of providing independent advice to the leadership of DoD, the Defense Threat Reduction Agency (DTRA), and the Department of Veteran's Affairs. During the previous 2 years, the VBDR provided 16 Recommendations to DTRA and the VA. DTRA, as the DoD Executive Agent has responded and implemented all three of the recommended improvements of the Committee directed to DTRA. They were:

DTRA and the VA should develop a screening process for sub capsular cataracts, similar to skin cancer processing, to allow Veterans' Affairs Regional Office – Jackson, MS, to process these claims locally without referral to VA Veterans Health Administration.

A Quarterly Quality Report (QQR) should be prepared to provide a list of summary quality indicators/metrics that characterize the quality of operations/decisions during the previous quarter. The QQR metrics are to be designed such that the recording and reporting of them take minimal additional effort, if any, over what each agency should track as part of sound management. The metrics are to report quality data, trends, and corrective actions as found to be necessary based on all sources. The metrics are also to report on the success of past corrective actions in producing systemic change that permanently minimizes recurrence of the problems that the corrective actions were designed to overcome.

A Decision Summary Sheet (DSS) should be prepared for each claim, consistent with DTRA's actions in developing a DSS in response to VBDR Recommendation No. 13 made at the September 2007 Public Meeting. The DSS provides a compact summary of all important actions taken in the handling of each claim, including a justification for each action, which may include any necessary references to data and procedures documents. As with the QQR, the DSS is to be designed such that filling it in should take minimal additional effort, if any, over what each agency should track as part of sound management.

2. Why the Committee's operations could not be performed by existing DoD resources and/or absorbed by another existing DoD-Supported Committee.

The VBDR recruits nationally renowned academicians, scientists and medical physicists and adhere to requirements set forth in Public law 108-183 (PL 108-183, 2003). Board Membership shall be composed of –

- at least one expert in historical dose reconstruction of the type conducted under the Radiation Dose Reconstruction Program;
- at least one expert in radiation health matters;
- at least one expert in risk communications matters;
- a representative of DTRA and a representative of the VA; and
- at least three veterans, including at least one veteran who is a member of an atomic veterans' group.

Committee members audit dose reconstructions results, and examine dose reconstruction procedures and the VA Ionizing Radiation claims process, and provide independent advice to DoD and the VA leadership. The individuals engaged in this activity provide the Government two unique qualities that can not be duplicated in the Government.

The Veterans Advisory Board on Dose Reconstruction allows the Government to access individuals possessing unique technical and management skills which do not reside in the Government.

The Veterans Advisory Board on Dose Reconstruction process creates an avenue for an independent assessment of DoD and Veterans' Affairs activities. The independent advice ensures the VBDR either validates current DTRA and VA processes or suggests new courses of action. Independent validation provides the Government assurance that it is on the right track. Recommended new courses of action, at a minimum, cause the DTRA and the VA, to reassess its actions in light of the new recommendations. Government reassessment may or may not change its course of action but will strengthen the Government's rationale in their current procedures.

As the only joint DoD/VA Advisory Committee specifically examining the procedures used to adjudicate claims by Atomic Veterans, there are unique advantages to the DSB which are hard to duplicate within DoD. These are:

The primary advantage is the outside medical and scientific perspective the VBDR brings to the problem. The improvements implemented due to VBDR recommendations to develop scientifically reproducible and supported ionizing radiation dose reconstructions are meeting the intent of Congress to provide better support to the Atomic Veteran community. This view was reinforced most recently from the positive comments regarding the VBDR continuation made by the Veterans' Affairs Subcommittee staff in August 2009, during the VBDR Chairman's report.

There are occasions when DTRA and VA leadership require an independent look at specific dose reconstruction and ionizing radiation compensation claims areas which can not be associated with a particular agency, as they possess a vested interest in the outcome of the study that causes a perceived lack of impartiality.

3. Impact the discontinuation of the Committee could have on the Department of Defense.

In accordance with the purpose of the Federal Advisory Committee Act, the VBDR offers public citizens a chance to gain insight into and offer advice and criticism on DoD and VA ionizing radiation dose reconstruction procedures and results and VA claims problems. It supports ongoing transparency initiatives.

Discontinuation of the VBDR would remove the primary venue that DTRA and the VA uses to receive independent advice in regards to ionizing radiation dose reconstruction methodologies and improvements to the Veterans' Affairs Ionizing Radiation Claims processing program. In addition, unless the mission, roles and member requirements were duplicated, adherence to the establishment criteria in public law 108-183 would be violated.

The VBDR serves as an informal channel of communications between the DoD/DTRA and the Department of Veterans' Affairs. On occasion, difficult procedural problems of interpreting dose reconstruction records and conducting effective outreach to the Atomic Veteran community and their families may be better addressed through informal channels. Resolution of issues via informal mechanisms occasionally thwarts bureaucratic turf battles and results in better solution sets for the Government and the Atomic Veteran community.

Although it would be hard to quantify the negative impact, each of these functions provide value to the Departments of Defense and Veterans' Affairs for a relatively small expenditure of resources. DTRA and the VA each contribute 50% of the operating costs of the committee.

COORDINATION SHEET

**Deputy Advisory Committee
Management Officer**

Date

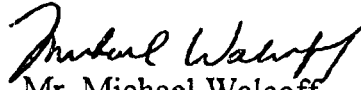
DoD-Wide FACA Attorney

Date

COORDINATION

SUBJECT: Renewal of veterans Advisory Board on Dose Reconstruction (VBDR)

Department of Veterans
Affairs


Mr. Michael Walcoff,
Acting Under Secretary
for Benefits